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To: YMP_SR@ymp.gov
cc:

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Subject: Comments to the PSSR (Dennis Bechtel)

Part of Records Package / Supplement / Correction

To whom it may concern: Please see the attached comments on the Preliminary Site Suitability Evaluation. The document attached is in Word Perfect.

Thank you.



- PSSR1.O19.wpd

Yucca Mountain
Preliminary Site Suitability Evaluation Report
DOE/RW-0540

Comments by
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The following is provided as commentary to the Yucca Mountain **Preliminary Site Suitability Evaluation Report** (or PSSR), released by the Department of Energy (DOE) in July of 2001. While I appreciate the opportunity to have an early review of what will probably be the basis for a site recommendation, the documents provided, unfortunately, is not the official record that will accompany the Secretary of Energy's recommendation to the President. I make this distinction because there are a number of issues that have not yet been resolved which could result in substantive changes between this and the final version. For example, the site suitability guidelines, as I understand it have not been finalized, and comments from regulatory agencies such as the Nuclear Regulatory Commission (NRC) and Environmental Protection Agency (EPA) may well result in needed adjustments to the current documents. If this then results in further revision, the public will not have an opportunity to provide further comments.

I have mixed feelings about providing comments to a less-than-official and, probably an incomplete package. This, however, is probably the last opportunity for the public and local governments to at a minimum reiterate to DOE and for the record some important concerns. My comments are concentrated on process issues, as well as a number of other topics related to the Site Recommendation that either have not been discussed in this document, or have yet to be resolved by DOE.

1. **Review of the PSSR, SER and other documents:** While the Secretary has taken credit for providing a 168-day public review period, the piecemeal nature of DOE's release of the technical documents associated with Site Recommendation, resulted in the public having considerably less time than 168 days to review the PSSR. The release of the PSSR itself didn't occur until July. Since it was unclear for some time how the PSSR related to documents like the *Science and Engineering Report* (SER), released in May, [I'm assuming that the release of the SER was included as part of the 168-day count] the public and others had, essentially, to review both documents as if they were independent. Also, if not for the expressed concerns of the State of Nevada and affected units of local government, it is uncertain whether DOE would have extended the review period beyond its original 90 days. The extension, under duress, as well as the last minute addition of hearing sites, likewise, creates the impression that public input is more a

"box to check" than an actual concern about how citizens may feel about the suitability of the site.

2. **Public input in general:** Related, as you'll recall, the public and affected governments were provided 180 days to review the draft Yucca Mountain Environmental Impact Statement last year. This 180-day review, however, would also not have been provided had Senator Reid not interceded on behalf of the public and affected governments. Given the importance of the Site Recommendation to Nevada, and the often expressed concern by citizens about the fairness of the site recommendation process, it is perplexing why DOE did not, initially, provide an appropriate review period as well as a complete suite of hearings in all affected communities. As with the Yucca Mountain Environmental Impact Statement (YMEIS), however, much effort had to be expended to obtain more time to review the documents.
3. **DOE's consideration of public comments.** It is important for the public, affected governments and Native Americans to understand, well in advance of when decisions are made, how their comments will be considered and addressed (or not considered or not addressed). It is our understanding, however, that DOE will not release the response to public comments from both the current series of public hearings and to those from last year's YMEIS review until the time of the Site Recommendation. This is unacceptable, particularly with regard to the YMEIS with a comment period that ended in February of 2000 and had as a mission the analysis of a host of public and community issues. The public, local governments and Native Americans, in general those most affected by this project, particularly in Nevada, should have the early benefit of understanding how DOE will address these concerns.
4. **The Site Recommendation's other issues.** The Yucca Mountain project is obviously much more comprehensive than the issues addressed by the SER and the PSSR. Since the final YMEIS is to be a major component of the Site Recommendation, it is even more important that DOE respond to the comments of the affected parties regarding the multitude of socioeconomic, community impact, transportation and environmental issues expressed well in advance of the scheduled December Site Recommendation date. The counties and Native Americans are, for example, currently preparing impact assessment reports. These reports will define the State, local government's and Native American description of impacts, and will probably accompany the State of Nevada's Site Recommendation impact report as an alternative view of impacts. Not knowing how DOE is treating the original comments and concerns, however, places the affected governments at a

considerable disadvantage on how to focus scarce study resources.

Once again, this provides somewhat negative insight as to how DOE and the federal government consider the importance of public input to this program. The greater importance, appears to be in meeting the demands of the users of nuclear power, and not those of the locales most greatly affected by this program.

5. **Misleading guidance to Decision Makers:** As is the case with most complex documents that Congress must consider (particularly technical ones), the Executive Summary will undoubtedly be most avidly read part of the Site Recommendation report. To read this section, however, is to be misled about a number of issues regarding potential site suitability. As examples, the comprehensiveness and quality of the information available to establish site suitability, the actual limitations of the modeling efforts, the statement of certainty that engineered barriers will result in zero release of radionuclides for 10,000 years, the questions about how any of the alternatives relate to meeting regulatory standards are either not expressed or the problems understated. In addition, certain potentially significant issues are not stated at all. For example, the actual period of potential danger to the public, for some radionuclides millions of years and not thousands, or the fact that while the current land use adjacent to the site is agricultural, a large segment of Southern Nevada could be more urbanized in the near future (e.g., a la Las Vegas and Laughlin) with potentially greater impacts.

The Executive Summary also implies that more is known about the site characterization process and the suitability of the site than is actually the case. Statements such as "The U.S. has studied methods for the safe storage and disposal of radioactive waste for more than 40 years" and "After studying Yucca Mountain for over 20 years," provides inaccurate impressions that the science of site characterization in general is more mature than is actually the case. It also enhances the often stated certainty that Yucca Mountain has been "studied to death." The stated advantages of Yucca Mountain noted need to be better balanced with the uncertainties of modeling and a host of other issues. The Site Characterization study, and in particular the section that most will read, needs to be as dispassionate as possible and not a sales document.

Although I will be accused of naivety given how we have reached the point of Yucca Mountain's selection, and the road we appear to be going down toward site recommendation, it is still important, nevertheless, to express in what will be the most popular section (the Executive Summary) that most will read that the limitations of the current studies and the knowledge of the site must be accurately portrayed. This will better enable an honest decision to be made about the adequacy of the site to meet an extremely long period of potential danger to current and future residents and the environment of

Southern Nevada. The limitations will not go away. The NRC and other regulators will still require high-quality information and a basis by which to provide a license.

In summary, and to reiterate, it is important that the information provided to decision-makers, that which they will review that is, not understate the potential problems with the site. Using history as a guide, every attempt made in the past to "speed up" the process has resulted in the opposite occurring. Likewise, the public issues may turn out to be more critical to the siting of the repository than many of the on-site issues. Transportation in particular will be of interest to much of the nation. How DOE has treated YMEIS comments, therefore, is extremely important. A discussion of these in an open forum (whether it is required or not) before Site Recommendation is made is extremely important.